

No. PD-0503-17

IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
10/13/2017
DEANA WILLIAMSON, CLERK

GEORGE DELACRUZ, APPELLANT

VS.

THE STATE OF TEXAS, APPELLEE

**THE STATE'S MOTION FOR LEAVE TO FILE BRIEF
IN EXCESS OF THE PRESCRIBED WORD LIMITATION**

TO THE HONORABLE JUSTICES OF THE COURT OF CRIMINAL
APPEALS:

Pursuant to Rule 9.4 of the Texas Rules of Appellate Procedure, the State of Texas, by and through the District Attorney for Travis County, respectfully moves this Court for its order permitting the State to file a brief that exceeds 15,000 words in length.

In support of this motion, the State asserts that the granting of this motion would be in the interests of justice because of the nature and complexity of the issues raised by the appellant's brief. It is the belief of undersigned counsel that the granting of this motion would enable the State to fully and properly present its arguments for the benefit of the Court in this case.

The State's proposed brief, consisting of 26,512 words, is being submitted contemporaneously with this motion. In this case, the appellant was found guilty of committing the offense of murder. Significant here is the fact that victim's body was never found. In his brief, the appellant presents multiple arguments in a challenge to the legal sufficiency of the evidence to support the conviction. In particular, he challenges the sufficiency of the evidence to establish that the victim named in the indictment is deceased, that her death resulted from a criminal act that occurred in Travis County, Texas, and that the appellant was the person who committed the offense.

Because the jury's verdict rested in large part upon circumstantial evidence, undersigned counsel believes it necessary that the State's brief provide a very detailed recitation of that evidence, which includes important information derived from cell phone records and related documents, as well as a great deal of testimony regarding extraneous conduct and the various relationships between the victim, the appellant, and the witnesses.

Undersigned counsel respectfully asserts that a brief of the length submitted herewith is needed to fully respond to the appellant's four grounds for review and the arguments related to those claims.

PRAYER

Wherefore, the State requests that this Court grant the State leave to file a brief that exceeds 15,000 words in length.

Respectfully submitted,

/s/ M. Scott Taliaferro

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CERTIFICATE OF COMPLIANCE

Pursuant to Texas Rule of Appellate Procedure 9.4(i), I hereby certify, based on the computer program used to generate this motion, that this motion contains 358 words, excluding words contained in those parts of the motion that Rule 9.4(i) exempts from inclusion in the word count. I certify, further, that this motion is printed in a conventional, 14-point typeface.

/s/ M. Scott Taliaferro
Michael Scott Taliaferro

CERTIFICATE OF SERVICE

I certify that, on this 12th day of October, 2017, a true copy of the foregoing motion was sent to the following persons, via U.S. mail, email, facsimile, or electronically through the electronic filing manager:

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